



SUPERIOR COURT

Of the State of California for the
COUNTY OF YOLO

725 Court Street, Room
Woodland CA 95695

www.yolo.courts.ca.gov

Family Court

Departments 14 and 15

1100 East Main St.

Woodland CA 95695

fax (530) 406-6820

clerk (530) 406-6888

Notice to Applicants for Emergency Family Court Orders **(requests for hearings on shortened time, fka ex parte hearings)**

A recent California judicial ethics opinion advised California courts on how to schedule emergency hearings without violating the rules prohibiting ex parte communications. The following process for requesting emergency orders (previously called "ex parte hearings") comports with the opinion and existing California Rules of Court ("CRC") and Yolo Superior Court Local Rules:

Emergency Hearings on shortened time are highly disfavored and should be reserved for matters where great or irreparable injury would result before the matter could be heard on regular notice.

1. **Call or fax the appropriate Family Law Department for an emergency hearing date** [even numbered cases: D-14 (530) 406-6888; odd-numbered cases: D-15 (530) 406-6942; fax: (530) 406-6820]. The Courtroom clerk will give you a hearing date within 3 court days at 11:00 a.m. (or other times and dates as court calendar permits.) **DO NOT** give the court clerk any information about the case. That is considered an improper ex parte communication.
2. **Give notice to other parent/party** or their attorney by no later than 10:00 a.m. on the court day before the hearing. Notice may be given by telephone, in writing, or by voicemail message. (CRC rule 5.165(a), (b).)
3. **Serve your Declaration of Notice** and Service of Ex Parte Application, Request For Order and any other papers you want the court to consider (or your opposition thereto) on the other party at the first reasonable opportunity before the hearing. (CRC rule 5.167.) **If you believe irreparable injury would result if you notify the other party,** then prepare a written declaration signed under penalty of perjury that includes facts showing good cause why notice should not be given.
4. **DO NOT FILE** your Declaration of Notice and Service of Ex Parte Application and Request For Order or other papers. Bring your papers to the emergency hearing, along with your filing fee. At the hearing, give your papers to the clerk. After the hearing you will be directed to pay the filing fee at the main courthouse, room 103.
5. **At the emergency hearing, the court will first determine whether notice was proper or whether good cause exists not to require notice.** Good cause may include:
 - (a) Giving notice would frustrate the purpose of the order;
 - (b) Giving notice would result in immediate and irreparable harm to the applicant or the children who

may be affected by the order sought;

(c) Giving notice would result in immediate and irreparable damage to or loss of property subject to disposition in the case;

(d) The parties agreed in advance that notice will not be necessary with respect to the matter that is the subject of the request for emergency orders; and

(e) The party made reasonable and good faith efforts to give notice to the other party, and further efforts to give notice would probably be futile or unduly burdensome. (CRC rule 5.165(b), 5.167(b).)

5. **The hearing:** After the court confirms proper notice (or determines that there is good cause not to give notice), the court will then determine if the matter should be heard on shortened time. The court may hear argument on this issue. If the court finds that notice was not proper or that the matter does not need to be heard on shortened time, the court will reset the hearing 25-30 days out. If notice was proper or good cause is found not to require notice, then the court will take your moving papers/request for order and the opposing party's papers into chambers for review, hear oral argument if necessary, and make a decision .

6. **After the hearing, you will be directed to pay the motion filing fee at the main courthouse, 725 Court St, Woodland, in room 103,** and then return to the Family Department to pick up any orders after hearing.

Dated: February 20, 2014


Hon. Janet Gaard


Hon. Kathleen M. White